

### REMARKS

Claims 1-8, and 12-21 remain in this application. Claims 9-11 have been withdrawn. Claims 12, 16, and 21 have been amended.

In the presently outstanding Office Action dated August 20, 2003, Claims 1-8 were allowed, Claims 9-11 were withdrawn from consideration as being drawn to a non-elected species of invention subject to a restriction requirement, Claim 21 was rejected under 35 USC 112, Claims 12-13, 17-18 and 20-21 were rejected under 35 USC 102, and Claims 14-15 and 19 were rejected under USC 103, and Claim 16 was objected to as being dependent upon a rejected base claim. By this Amendment, Applicant respectfully submits that Claims 12, 16 and 21 have been amended and are in condition for allowance. Applicant further submits that all remaining rejected claims depend from newly amended claim 12 and are likewise in condition for allowance.

### Election/Restriction

Applicant herein affirms that in response to a restriction requirement by Examiner Applicant elected to prosecute the claims from Group 1: Claims 1-8 and 12-21 drawn to the apparatus. Applicant understands that by this election the claims of Group II: Claims 9-11 drawn to a method for removing a

solvent, are therefore withdrawn from consideration by Examiner as being drawn to a non-elected invention.

#### Inventorship

Applicant submits that all named inventors are inventors of at least one claim remaining in the application. Therefore, no changes to inventorship are necessitated by the above election/restriction requirement.

#### Allowable Subject Matter

Applicant gratefully accepts allowance of Claims 1-8. Applicant further submits Claim 16, as amended, to be in condition for allowance where the amendment contains all of the limitations of the base and intervening claims.

#### 35 USC 112, Claim 21

Applicant has amended Claim 21 to provide proper antecedent basis by replacing "said solvent removal device" with "said solvent stripping device".

#### 35 USC 102, Claims 12-13, 17-18 and 20-21

Claim 12 has been amended to recite a desolventizer having an outlet in communication with the inlet of the particulate treatment housing. The desolventizer functions to remove the bulk of solvent entrained within the particulate matter before

entering the housing. The references cited by Examiner in the presently outstanding Office Action do not show this combination of features.

Fochtman et al. uses a rotary dryer to separate chemical components from inert materials. The entire separation process occurs within the dryer. For this reason, Fochtman et al. cannot be said to teach or suggest a desolventizer having an outlet in communication with a particulate treatment housing according to Claim 12 of the present invention..

Gileta shows a liquid cleaning apparatus wherein workpieces enter a solvent tank containing a liquid cleaning agent. The workpieces are then entered into a cleaning agent tank and then move into a drying tunnel. The apparatus disclosed by Gileta is for cleaning of a work piece with a solvent. Instead of removing solvent from the work piece, Gileta teaches the application of solvent to the surface of the work piece. For this reason, Gileta cannot be said to disclose or suggest the use of a desolventizer in combination with a particulate treatment housing for removing solvent from particulate matter according to Claim 12 of the present invention.

Ramsey provides an apparatus for reclaiming contaminated scrap metal. Scrap metal is fed into a kiln which simultaneously receives a fume-laden gas for cleaning the scrap. The scrap metal and the fume-laden gas from the kiln are then fed into a separator where the scrap metal is gravity separated from the gas and fed to a melting furnace. The gas cannot be said to have been entrained within the scrap metal where the gas is intentionally fed to the kiln to decontaminate the metal. Instead, the gas is used to clean the scrap metal before melting the scrap metal. For this reason, Ramsey cannot be said to disclose or suggest a desolventizer having an outlet in communication with a particulate treatment housing according to Claim 12 of the present invention.

Wherein Claims 13, 17-18 and 20-21 depend from independent Claim 12, Applicant submits that these Claims are allowable for the reasons stated above with regards to Claim 12.

**35 USC 103, Claims 14-15 and 19**

Wherein Claims 14-15 and 19 depend from independent Claim 12, Applicant submits that these Claims are allowable for the reasons stated above with regards to Claim 12.

Please charge any deficiencies or credit any over payment to  
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Respectfully submitted,

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By their attorney

Date Dec 22, 2003

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